Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) YOR920030056US1 (8728-607)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature_____ Typed or printed name _____	Application Number 10/630,959	Filed July 30, 2003
	First Named Inventor Lawrence Bergman	
	Art Unit 2192	Examiner Thuy Chan Dao

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
        Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
    (Form PTO/SB/96)

☑ attorney or agent of record.   48,909
    Registration number _____.

☐ attorney or agent acting under 37 CFR 1.34.

    Registration number if acting under 37 CFR 1.34 _____

_____
Signature

Nathaniel T. Wallace
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Typed or printed name

516-692-8888
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Telephone number

11/12/2008
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐   *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Bergman, et al.	Examiner: Dao, Thuy Chan
Serial No.:	10/630,959	Group: Art Unit 2192
Filed:	July 30, 2003	Docket: YOR920030056US1 (8728-607)
For:	**SYSTEMS AND METHODS FOR GENERATING AND DISTRIBUTING EXECUTABLE PROCEDURES FOR TECHNICAL DESK-SIDE SUPPORT**	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Examiner:

In response to the Advisory Action dated October 14, 2008, Applicant requests review of the Final Office Action date August 11, 2008 in the above-identified application. No amendments are being filed with this request. This request is being filed with a **Notice of Appeal** and a **Pre-Appeal Brief Request For Review Form (PTO/SB/33).**

REMARKS

Claims 20-29 are pending. Claims 20 and 26 are the pending independent claims. Reconsideration of the rejections is respectfully requested in view of the remarks.

Claims 20-34 stand rejected under 35 USC 102(e) as being anticipated by Messinger (US Patent No. 7,000,187). Claims 20 and 26 are independent.

Referring to Claim 20: Messinger teaches a method for displaying a sequence of instructions associated with a task in a graphical overlay, for example, for software training (see Abstract). Messinger does not teach "a server for processing said execution trace and said stored execution traces to generate said reusable executable procedure." As a general matter the teachings of Messinger are related to an entirely different field then the claimed invention; Messinger teaches how an "on-line coach" operates based on user (trainee) input (see col. 2, lines 4-8). An "on-line coach" is not analogous to "a server for processing said execution trace and said stored execution traces to generate said reusable executable procedure," as claimed in Claim 20. The on-line coach uses a GUI and guides the user through steps of a task. There is no disclosure of generating a reusable executable procedure from execution traces.

Elsewhere, Messinger teaches that "a new task sequence is recorded" (see col. 9, lines 61-65). Messinger's new task is not analogous to the claimed reusable executable procedure; for example, the new task of Messinger is a simple recording of a task sequence; a recording is not analogous to the claimed generation of said reusable executable procedure; for example, a recording does not include processing an execution trace and stored execution traces.

Further still, it is clear that Messinger's on-line coach cannot be automatically performed. The on-line coach cannot advance to a next step until a user action is successfully completed (see

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FIG. 6B, blocks 260-275). Such a user prompted task is clearly not automatically performed, essentially as claimed in Claim 20. The tasks of Messinger are not automatic; an automatic operation of an on-line coach is contrary to the intended purpose of coaching a user to perform a task.

For at least the foregoing reasons, Messinger fails to teach all the limitations of Claim 20.

Referring now to Claim 26: Messinger teaches a method for displaying a sequence of instructions associated with a task in a graphical overlay, for example, for software training (see Abstract). Messinger does not teach "obtaining a plurality of execution traces, wherein each execution trace represents an execution instance of a procedure; and processing said execution traces to create a reusable executable procedure associated with said procedure" as claimed in Claim 26. Messinger teaches a process of recording a new task sequence (in block 385 of FIG. 8). Messinger does not teach that the recorded new task is processed with other tasks to generate a reusable executable procedure, essentially as claimed in Claim 26. Here Applicants emphasize the plurality of "execution traces" processed as opposed to Messinger's individually recorded tasks. There is no processing of multiple tasks by Messinger to create a reusable executable procedure, essentially as claimed. Therefore, Messinger fails to teach all the limitations of Claim 26.

For the foregoing reasons there is believed to be clear error in maintaining the rejection of Claims 20 and 26 in view of Messinger. Claims 21-25 depend from Claim 20. Claims 27-29 depend from Claim 26. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims. Claims 30-34 have been canceled. Reconsideration of the rejection is respectfully requested.

Claims 20 and 26 stand rejected under 35 USC 102(e) as being anticipated by Bala (US Patent Application No. 2004/0130572). Claims 20 and 26 are independent.

Referring to Claim 20: Bala teaches methods for authoring and executing wizards, wherein wizards are updated through a feedback system (see Abstract). Bala fails teach "a server for processing said execution trace and said stored execution traces to generate said reusable executable procedure, wherein said procedure can be automatically performed on the client by invoking the reusable executable procedure" as claimed in Claim 20. Bala merely teaches how a user can create script for a task (see paragraphs [0074-0079]). Bala is totally devoid of description related multiple scripts, much less "processing said execution trace and said stored execution traces to generate said reusable executable procedure," as claimed in Claim 20. The claimed processing of multiple execution traces ("said execution trace and said stored execution traces") to generate a reusable execution procedure is in stark contrast to Bala, which is limited to the treatment of single scripts and nowhere discloses how to process multiple scripts to generate a reusable execution procedure. Therefore, Bala fails to teach all the limitations of Claim 20.

Referring now to Claim 26: Bala teaches methods for authoring and executing wizards, wherein wizards are updated through a feedback system (see Abstract). Bala does not teach the process of "obtaining a plurality of execution traces, wherein each execution trace represents an execution instance of a procedure; and processing said execution traces to create a reusable executable procedure associated with said procedure" as claimed in Claim 26. Bala's method creates a script from a document, parsing the document to identify steps (see paragraph [0074]). Creating a script from a document is clearly not analogous to the generation of a reusable executable procedure from multiple execution traces, essentially as claimed in Claim 26. Stated

another way, consider that a document is not a script; the script of <u>Bala</u> is not created based on other scripts, essentially as claimed in Claim 26. Further, <u>Bala</u> is totally devoid of description related multiple scripts. Therefore, <u>Bala</u> fails to teach all the limitations of Claim 26.

For the foregoing reasons there is believed to be clear error in maintaining the rejection of Claims 20 and 26 in view of <u>Bala</u>. Reconsideration of the rejection is respectfully requested.

<u>Claim 30 stands rejected under 35 USC 102(b) as being anticipated by Mayuzumi (US Patent No. 6,134,644).</u> The Examiner stated essentially that <u>Mayuzumi</u> teach all of the limitations of Claim 30.

Claim 30 has been canceled. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including Claims 20-29, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged.

Respectfully submitted,

Dated: November 12, 2008

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